

Application No. 10/664,080
Docket No. C14-161312M/NJK

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REMARKS

Claims 1-20 are all the claims presently pending in this application.

Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Palalau et al., U.S. Pat. No. 5,943,044, further in view of Stephan, U.S. Pat. No. 5,748,185 further in view of Martinelli et al., U.S. Pat. No. 5,943,044.

Claims 1-3, 6-7 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185, further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355 further in view of Martinelli et al., U.S. Pat. No. 5,943,044.

Claims 5 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355 and Martinelli et al., U.S. Pat. No. 5,943,044, further in view of Vanderheiden, U.S. Pat. No. 6,049,328.

Claims 11 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stephan, U.S. Pat. No. 5,748,185 and Palalau, U.S. Pat. No. 6,373,472, further in view of Martinelli et al., U.S. Pat. No. 5,943,044.

These rejections are respectfully traversed in view of the following discussion.

I. THE PRIOR ART REJECTIONS

A. The 35 U.S.C. § 103(a) Rejection over Palalau et al., U.S. Pat. No. 5,943,044 further in view of Stephan, U.S. Pat. No. 5,748,185 further in view of Martinelli et al., U.S. Pat. No. 5,943,044

The Examiner alleges that Palalau et al., U.S. Pat. No. 5,943,044, (Palalau), further in view of Stephan, U.S. Pat. No. 5,748,185 further in view of Martinelli et al., U.S. Pat. No. 5,943,044, (Stephan and Martinelli '044), makes obvious the invention of claims 1 and 4.

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The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Palalau with the teaching from Stephan and Martinelli '044 to form the invention of claims 1 and 4. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, that neither Palalau, nor Stephan and Martinelli '044, nor any alleged combination thereof, teaches or suggests, "a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line configured by one of a concave portion and a convex portion as a whole, including a fixed reference position on a surface of the touch sensor located between a vertex and a center of one of said concave portion and said convex portion; and a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position," of independent claim 1.

Applicant respectfully submits that Palalau would not have been combined with Stephan and Martinelli '044 as alleged by the Examiner, since the Stephan reference teaches away from the Palalau reference. Thus the combination asserted by the Examiner of Palalau, in view of Stephan and Martinelli '044 is unreasonable.

Both Stephan and Martinelli '044 disclose an electric apparatus including a screen which has a rectangular shape, and a touch panel which has a rectangular shape. In the electric apparatus of both references, the content in the rectangular screen is controlled according to the operation of the rectangular touch panel overlaid on the screen.

On the other hand, Palalau discloses a guide portion which has an arc shape. Applicant asserts that it is not reasonable to combine the arc shape guide portion of Palalau to

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the rectangular touch panel of Stephan or Martinelli '044.

Stephan recites "*Preferably, scroll control region 56 is a rectangular region having approximately the same vertical height as the cursor control region,*" (col. 5, lines 65-67) and "*Preferably, pan control region 58 is a rectangular region having the same horizontal width as the cursor control region.*" (col. 6, lines 16-19).

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the references as alleged by the Examiner since the arc shaped touch panel of the Palalau reference teaches away from the rectangular shaped panel Stephan and Martinelli '044 references since the rectangular touch screen region of Stephan and Martinelli correspond to the rectangular region having the same horizontal or vertical component covered by the touch screen control region, whereas the touch controlled portions of Palalau disposed in rectangular boxes/keys along an angular direction do not have the same directional component covered by the touch screen control region.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Palalau and Stephan and Martinelli '044 (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

B. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185 further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355 further in view of Martinelli et al., U.S. Pat. No. 5,943,044

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, (Stephan), further in view of Yamaguchi et al., U.S. Pat. No. 7,143,355 further in view of Martinelli et al., U.S. Pat. No. 5,943,044, (Yamaguchi and Martinelli '044), makes obvious the invention of claims

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1-3, 6-7 and 20.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan with the teaching from Yamaguchi and Martinelli '044 to form the invention of claims 1-3, 6-7 and 20. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, that neither Stephan, nor Yamaguchi and Martinelli '044, nor any alleged combination thereof, teaches or suggests:

"a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line configured by one of a concave portion and a convex portion as a whole, including a fixed reference position on a surface of the touch sensor located between a vertex and a center of one of said concave portion and said convex portion," and

"a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position," of claim 1, and

"guide means configured to protrude from a surface of said touch sensor means and to fringe the surface with a line configured by one of a concave portion and a convex portion as a whole, including a fixed reference position on a surface of the touch sensor located between a vertex and a center of one of said concave portion and said convex portion," and

"control means for controlling an adjustment value in accordance with a direction of a slide operation along said guide means from the fixed reference position," of claim 20.

Applicant respectfully submits that Stephan would not have been combined with Yamaguchi and Martinelli '044 as alleged by the Examiner, since the Stephan reference

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teaches away from the Yamaguchi reference. Thus the combination asserted by the Examiner of Yamaguchi, in view of Stephan and Martinelli '044 is unreasonable.

Both Stephan and Martinelli '044 disclose an electric apparatus including a screen which has a rectangular shape, and a touch panel which has a rectangular shape. In the electric apparatus of both references, the content in the rectangular screen is controlled according to the operation of the rectangular touch panel overlaid on the screen.

On the other hand, Yamaguchi discloses a cursor control portion having an arc shape. Applicant asserts that it is not reasonable to combine the arc shape guide portion of Yamaguchi to the rectangular touch panel of Stephan or Martinelli '044.

Moreover, Stephan recites "*Preferably, scroll control region 56 is a rectangular region having approximately the same vertical height as the cursor control region,*" (col. 5, lines 65-67) and "*Preferably, pan control region 58 is a rectangular region having the same horizontal width as the cursor control region.*" (col. 6, lines 16-19).

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the references as alleged by the Examiner since the arc shaped touch panel of the Yamaguchi reference teaches away from the rectangular shaped panel Stephan and Martinelli '044 references since the rectangular touch screen region of Stephan and Martinelli correspond to the rectangular region having the same horizontal or vertical component covered by the touch screen control region, whereas the touch controlled portions of Yamaguchi's arcuate touchpad do not have the same directional component covered by the touch screen control region.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan and Yamaguchi and Martinelli

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'044 (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

C. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355 and Martinelli et al., U.S. Pat. No. 5,943,044 further in view of Vanderheiden, U.S. Pat. No. 6,049,328

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185, Yamaguchi et al., U.S. Pat. No. 7,143,355 and Martinelli et al., U.S. Pat. No. 5,943,044, (Stephan, Yamaguchi and Martinelli), further in view of Vanderheiden, U.S. Pat. No. 6,049,328, (Vanderheiden), makes obvious the invention of claims 5 and 8-10.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan, Yamaguchi and Martinelli with the teaching from Vanderheiden to form the invention of claims 5 and 8-10. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

That is, Vanderheiden fails to make up for the deficiencies of Stephan, Yamaguchi and Martinelli as discussed above.

The Examiner asserts Vanderheiden discloses a touch screen device having a concave and convex guide portion wherin a sliding motion controls an adjustment value of an output level of an acoustic signal.

However, even assuming *arguendo* that the Examiner's position has some merit, Vanderheiden fails to teach or suggest, "a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line configured by one of a concave portion and a convex portion as a whole, including a fixed reference position on a

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surface of the touch sensor located between a vertex and a center of one of said concave portion and said convex portion; and a controller configured to control an adjustment value in accordance with a direction of a slide operation along said guide portion from the fixed reference position." of independent claim 1. Therefore, Vanderheiden fails to overcome the deficiencies of Stephan, Yamaguchi and Martinelli.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan, Yamaguchi and Martinelli and Vanderheiden (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

D. The 35 U.S.C. § 103(a) Rejection over Stephan, U.S. Pat. No. 5,748,185 and Palalau, U.S. Pat. No. 6,373,472 further in view of Martinelli et al., U.S. Pat. No. 5,943,044

The Examiner alleges that Stephan, U.S. Pat. No. 5,748,185 and Palalau, U.S. Pat. No. 6,373,472, (Stephan and Palalau), further in view of Martinelli et al., U.S. Pat. No. 5,943,044, (Martinelli '044), makes obvious the invention of claims 11 and 14-16.

The Examiner alleges that one of ordinary skill in the art would have been motivated to modify Stephan and Palalau with the teaching from Martinelli '044 to form the invention of claims 11 and 14-16. Applicant submits, however that these references would not have been combined and even if combined, the combination would not teach or suggest each element of the claimed invention.

Indeed, Applicant submits, however, that neither Stephan and Palalau, nor Martinelli '044, nor any alleged combination thereof, teaches or suggests, "guiding a finger along said guide portion to said fixed reference position; and receiving a contact input on said surface

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of said touch sensor adjacent to said fixed reference position based on guiding said finger along said guide portion to said fixed reference position," of independent claim 11.

Applicant respectfully submits that Palalau would not have been combined with Stephan and Martinelli '044 as alleged by the Examiner, since the Stephan reference teaches away from the Palalau reference. Thus the combination asserted by the Examiner of Palalau, in view of Stephan and Martinelli '044 is unreasonable.

Both Stephan and Martinelli '044 disclose an electric apparatus including a screen which has a rectangular shape, and a touch panel which has a rectangular shape. In the electric apparatus of both references, the content in the rectangular screen is controlled according to the operation of the rectangular touch panel overlaid on the screen.

On the other hand, Palalau discloses a guide portion which has an arc shape. Applicant contends that it is not reasonable to combine the arc shape guide portion of Palalau to the rectangular touch panel of Stephan or Martinelli '044.

Stephan recites "*Preferably, scroll control region 56 is a rectangular region having approximately the same vertical height as the cursor control region,*" (col. 5, lines 65-67) and "*Preferably, pan control region 58 is a rectangular region having the same horizontal width as the cursor control region.*" (col. 6, lines 16-19).

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine the references as alleged by the Examiner since the arc shaped touch panel of the Palalau reference teaches away from the rectangular shaped panel Stephan and Martinelli '044 references since the rectangular touch screen region of Stephan and Martinelli correspond to the rectangular region having the same horizontal or vertical component covered by the touch screen control region, whereas the touch controlled portions

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of Palalau disposed in rectangular boxes/keys along an angular direction do not have the same directional component covered by the touch screen control region.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Stephan and Palalau and Martinelli '044 (either alone or in combination) fail to teach or suggest each element and feature of Applicant's claimed invention.

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II. FORMAL MATTERS AND CONCLUSION

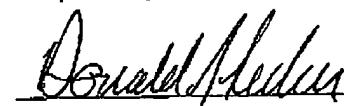
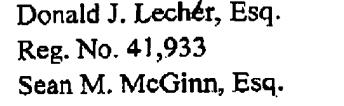
In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

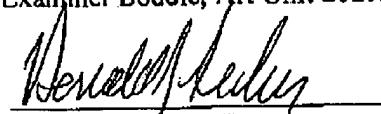
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Request for Reconsideration under 37 C.F.R. § 1.116 to Examiner Boddie, Art Unit 2629, on January 7, 2008.


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